

**SAINT REGIS MOHAWK TRIBAL COURT
IN AND FOR THE SAINT REGIS MOHAWK TRIBE**

**ADMINISTRATIVE ORDER 2020-03
COURT OPERATIONS DURING THE COVID-19 EMERGENCY**

On March 16, 2020, the Saint Regis Mohawk Tribal Council (“Tribal Council”) declared a State of Emergency in response to the worldwide outbreak of COVID-19. The Tribal Council has issued subsequent Resolutions implementing other protective measures.

Pursuant to the administrative authority vested to the Chief Judge of the Saint Regis Mohawk Tribal Court, the Judicial Branch issued an Administrative Order advising parties to cease and desist all land transactions not approved by the Court and an Administrative Order suspending filing requirements, docket book rules, and postponing scheduled court dates on March 17, 2020.

In general, “[c]ourts exist to ensure that citizens of a community have access to justice. [Thus,] . . . Courts should operate with a goal of serving the interests of justice and not creating barriers to access to justice.”¹ The Saint Regis Mohawk Tribal Court is committed to ensuring the safety of the Akwesasne community and Court staff, providing court users access to the Courts, and taking actions to ensure that cases continue to move through the judicial process under all circumstances.

NOW THEREFORE, IT IS HEREBY ORDERED that the Saint Regis Mohawk Tribal Courts are open. Nevertheless, all Judges of the Saint Regis Mohawk Tribal Judiciary are required to utilize available technologies in lieu of in-person courtroom appearances until further notice; and

IT IS FURTHER ORDERED that the Orders and Notices entered by the presiding Judge(s) indicating that a matter shall be heard via videoconferencing or conference call shall include information on how to participate; and

IT IS FURTHER ORDERED that the two (2) Administrative Orders entered by Hon. Carrie E. Garrow, Chief Judge, on March 17, 2020 are withdrawn; and

IT IS FURTHER ORDERED that the Saint Regis Mohawk Tribal Courts shall operate with minimum personnel on-site to effectively provide essential court operations and, where practicable, permit Court staff to work from home; and

IT IS FURTHER ORDERED that applicable provisions in the Saint Regis Mohawk Tribe Rules of Civil Procedure concerning continuances, in-person appearances, and other requirements are suspended to the extent necessary to facilitate remote appearances and other protective measures during the current public health emergency; and

¹ Saint Regis Mohawk Tribal Appellate Court Administrative Order (July 17, 2019).

IT IS FURTHER ORDERED that rules located within the Saint Regis Mohawk Tribe Rules of Civil Procedure requiring that pleadings and petitions must be submitted on a Court issued form during this public health emergency are suspended; and

IT IS FURTHER ORDERED that the rules applicable to service found in the Saint Regis Mohawk Tribe Rules of Civil Procedure apply; and

IT IS FURTHER ORDERED that all filings for cases before the Saint Regis Mohawk Tribe Judiciary may be submitted via email to Takarakoten Burns, Court Clerk, at takarakoten.burns@srmt-nsn.gov or Phillip Barreiro, Court Administrator, at phillip.barreiro@srmt-nsn.gov. The submitting party must include in the email, a phone number that they may be reached at and a mailing address; and

IT IS FURTHER ORDERED that in order to file a new case or an appeal, an individual may submit a filing via email to Phillip Barreiro, Court Administrator, at phillip.barreiro@srmt-nsn.gov. The submitting party must include in the email, a mailing address and a phone number that they may be reached at and the Respondent's/Appellee's contact information. The submitting party must mail the filing fee to the Court at 545 State Route 37, Akwesasne, New York, 13655 in order for the case to proceed through the judicial process; and

IT IS FURTHER ORDERED filings may be submitted via mail to the Saint Regis Mohawk Tribal Court 545 State Route 37, Akwesasne, New York, 13655; and

IT IS FURTHER ORDERED documents and audio submitted for evidentiary purposes must be submitted to the Court Administrator or Court Clerk at the aforementioned email addresses or by mail at 545 State Route 37, Akwesasne, New York, 13655 prior to the scheduled hearing or trial and the document(s) must be marked in a number sequence and indicate the submitting party (Ex: Plaintiff 1); and

IT IS FURTHER ORDERED that filings must be submitted via email by midnight or postmarked on the due date; and

IT IS FURTHER ORDERED that upon recommendation by the Saint Regis Mohawk Traffic Court Judges and in conjunction with the Saint Regis Mohawk Tribal Police Department, the Saint Regis Mohawk Traffic Court shall not hold initial appearances and/or hearings until May 18, 2020; and

IT IS FURTHER ORDERED that individuals that wish to plead guilty to a traffic citation may do so by mailing their signed ticket to 545 State Route 37, Akwesasne, New York, 13655; and

IT IS FURTHER ORDERED that individuals that wish to pay their traffic judgment may mail a personal check or money order to 545 State Route 37, Akwesasne, New York, 13655; and

IT IS FURTHER ORDERED that any rule requiring decisions, orders, or judgments be finalized by recording in the docket book is suspended and any decision, order, or judgment are considered final once signed or stamped; and

IT IS FURTHER ORDERED the Court Administrator and Court Clerk are responsible for emailing out decisions, judgments, or orders to the parties and, if applicable, their attorneys; and

IT IS FURTHER ORDERED that trigger dates for motions of reconsideration and appeals timelines are based on the date the decision, judgment, or order was sent via email by the Court Administrator or Court Clerk or three (3) days from the date that the decision, judgment, or order was mailed to the parties; and

IT IS FURTHER ORDERED that the Healing to Wellness Court team shall resume staffing remotely and all reporting for the Healing to Wellness Court shall be done remotely; and

IT IS FURTHER ORDERED that the Saint Regis Mohawk Tribal Courts may adjourn a case for a minimum of thirty (30) days in the event a party reports to the Court that they are sick; and

IT IS FURTHER ORDERED that unless overturned or vacated by the Saint Regis Mohawk Court of Appeals or in the event a modification order was issued in a child support case or a stay was issued by the Saint Regis Mohawk Tribal Court, the prior decisions, judgments, or orders entered by the Saint Regis Mohawk Tribal Courts remain in full force and effect during this current public health emergency; and

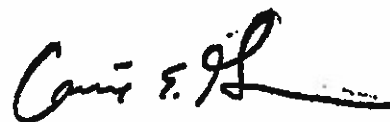
IT IS FURTHER ORDERED that this Order is intended to be interpreted broadly to ensure the protection of the Akwesasne community, Court staff, and Judges from the health risks associated with COVID-19; and

IT IS FURTHER ORDERED that any party or attorney that records a remote hearing with their own personal device without the express permission by the Court shall be held in contempt of Court and be subject to a civil penalty; and

IT IS FURTHER ORDERED that this Order shall remain in effect until amended or withdrawn.

IT IS SO ORDERED.

Signed this 14th day of April, 2020.



Carrie E. Garrow, Chief Judge
Saint Regis Mohawk Tribal Court